

Monthly Report Form 3
Cases Disapproved Under
Regional Attorney's Delegated Authority

Case name : Cari M. Goodwine ✓ Pt B Die Casting
Charge number : 172-2003-00-962
Category : A-2

For cases disapproved for litigation under the RA's delegated authority, provide the following:

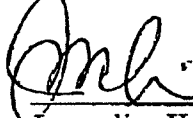
- (a) date the case was disapproved: 2/25/2004
- (b) reason(s) for the decision (one or two paragraphs addressing such things as the merits, relation to NEP/LEP priorities, availability of private counsel, etc.): CP contends that he was subjected to a racially hostile work environment; that he was subjected to disparate treatment on the basis of race in the terms and conditions of his employment (work assignments and enforcement of time and attendance rules); and that Respondent retaliated against him for complaining of racial harassment. The Commission's determination found reasonable cause to believe that CP had been subjected to a racially hostile work environment, but found no reasonable cause to believe that he had been subjected to disparate treatment or retaliation.

This is not a good litigation vehicle for several reasons: (1) Charging Party was not actually working during most of the relevant time frame; the finding of a hostile work environment depends on events which allegedly occurred clearly outside the relevant time period; the event which allegedly occurred within the relevant time period is barely sufficient to support a finding of a hostile work environment. (2) Charging Party has a terrible attendance record. Subsequent to the investigation, Respondent has (1) conducted discrimination training for all supervisors and managers and employees; (2) discharged the supervisor who made the derogatory comments; and (3) investigated and handled subsequent allegations of racial hostility. Finally, because the Commission issued a mixed cause finding, it could not completely represent Charging Party's full interests.

- (c) for cases in which the decision not to litigate was made more than 60 days after receipt of the case in the legal unit, state the reason(s) for the delay: N/A
- (d) if this is the first time in which this case has been listed under this new format, provide the information requested under 1 (attached a Form 1)

I concur ☒

I do not concur ☐


Jacqueline H. McNair
Regional Attorney

2/25/04
Date